

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Demetrice James,)	Civil Action No.: 1:17-cv-00030-RBH-SVH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Dr. Compton, Officer O'Neil,)	
Officer Herell, and Sgt. Matthews,)	
)	
Defendants.)	
_____)	

Plaintiff Demetrice James, a state prisoner proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983 against the above-captioned Defendants. Defendant Officer Herell has filed a motion to dismiss. *See* ECF No. 25. The matter is before the Court for review of the Report and Recommendation (R & R) of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) (D.S.C.). *See* R & R [ECF No. 44]. The Magistrate Judge recommends that the Court dismiss Defendant Herell from this case. R & R at 2.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

No parties have filed objections to the R & R, and the time for doing so has expired.¹ In the

¹ Plaintiff's objections were due by August 7, 2017. *See* ECF Nos. 44 & 45.

absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199-200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

After a thorough review of the record in this case, the Court finds no clear error and hereby adopts and incorporates by reference the R & R [ECF No. 44] of the Magistrate Judge. Accordingly, the Court **GRANTS** Defendant Herell's motion to dismiss [ECF No. 25] and **DISMISSES** Defendant Officer Herell from this action *without prejudice*.

IT IS SO ORDERED.

Florence, South Carolina
August 23, 2017

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge